

Anthony L. Martin
Nevada Bar No. 8177
anthony.martin@ogletreedeakins.com
Noel M. Hernandez
Nevada Bar No. 13893
noel.hernandez@ogletreedeakins.com
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
10801 W. Charleston Blvd.
Suite 500
Las Vegas, NV 89135
Telephone: 702.369.6800
Fax: 702.369.6888

*Attorneys for Defendant Sunrise Hospital and
Medical Center, LLC*

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

LAKISHA LEWIS,

Plaintiff,

vs.

SUNRISE HOSPITAL AND MEDICAL
CENTER, LLC, a Delaware Limited Liability
Company; DOES I-X; and, ROE Business
Entities I-X,

Defendants.

Case No.: 2:21-cv-00464-CDS-VCF

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES
(THIRD REQUEST)**

Plaintiff Lakisha Lewis ("Plaintiff") and Defendant Sunrise Hospital and Medical Center, LLC ("Defendant") (collectively, when possible, "the Parties"), by and through their respective counsel, hereby stipulate and agree that the Scheduling Order deadlines in this case be extended. As detailed further herein, the additional time is necessary to allow for the completion of additional written discovery and depositions. The Parties believe an extension of the discovery period by sixty (60) days from the current deadline of June 13, 2022 to **Friday, August 12, 2022**, will provide adequate time to complete the remaining discovery.

This is the third request for an extension of these deadlines. This request is made in good faith and is not for the purpose of delay. Further, while the Parties are certainly mindful of the Court's

1 interest in the expeditious completion of discovery, the Parties have been conducting discovery and
2 there is good cause for the extension sought herein. Pursuant to LR 26-4, the Parties provide the
3 following information to the court in connection with their request for an extension of the discovery
4 deadlines:

5 **A. Statement of Discovery that has been Completed**

6 Defendant served its initial disclosures required under Fed. R. Civ. P. 26(a)(1)(A) on May
7 10, 2021. Defendant served its First Supplemental Disclosures on May 26, 2021.

8 Plaintiff served her initial disclosures required under Fed. R. Civ. P. 26(a)(1)(A), on May 11,
9 2021. Plaintiff served her Amended and First Supplemental Initial Disclosures on May 20, 2021.
10 Plaintiff served her Amended and Second Supplemental Initial Disclosures on June 28, 2021.
11 Plaintiff served her Amended and Third Supplemental Initial Disclosures on August 20, 2021.

12 On April 26, 2021, Plaintiff served Plaintiff's First Set of Requests for Production of
13 Documents on Defendant.

14 On May 19, 2021, Defendant its First Set of Interrogatories to Plaintiff and First Set of
15 Requests for Production of Documents to Plaintiff.

16 Defendant subpoenaed Plaintiff's personnel records from Plaintiff's former and current
17 employers. Defendant also subpoenaed Plaintiff's medical records and Nevada Department of
18 Employment, Training, and Rehabilitation records ("DETR").

19 Based on agreement with Defendant's prior counsel the FRCP Rule 30(b)(6) deposition of
20 Defendant had been noticed and scheduled for August 17, 2021, but when Defendant's new counsel
21 substituted into the case that deposition had to be vacated and be rescheduled. The FRCP Rule
22 30(b)(6) deposition was re-set for April 6, 2022, but due to Plaintiff's counsel's trial schedule and a
23 family emergency, the deposition was taken off calendar. The FRCP Rule 30(b)(6) deposition and
24 deposition of Plaintiff will be rescheduled for the end of June 2022.

25 **B. Description of the Discovery that Remains to be Completed**

26 Plaintiff intends to take the depositions of Defendant pursuant to FRCP Rule 30(b)(6) as
27 noted above and will take further individual depositions dependent on the information obtained
28 through the Rule 30(b)(6) deposition.

Defendant only recently obtained Plaintiff's job application and post-employment history and intends to take the depositions of Plaintiff, as well as possible third-parties. Defendant is also waiting for subpoena responses from DETR.

C. Reasons the Remaining Discovery was not Completed within the Time Limits set by the Discovery Plan

The Parties have worked diligently to satisfy the current discovery deadlines. However, the Parties have produced a large volume of written documentation in this matter that each side has been diligently reviewing. In addition, Defendant retained new defense counsel in this matter and parties are in the process of rescheduling depositions and meeting and conferring regarding the scope of and responses to Defendant's discovery served upon Plaintiff. Defendant only recently obtained Plaintiff's job application and post-employment history which delayed the taking of depositions of Plaintiff, as well as possible third-parties. Defendant is also waiting for subpoena responses from DETR.

On April 2, 2022 Plaintiff's Counsel's mother passed away. This has resulted in a slow down in completing work due to the grieving process and the significant amount of personal business that was and still is being required in his role as executor of her estate. Plaintiff's counsel has still been very busy with work also conducting and defending depositions, attending administrative hearings for workers' compensation matters, meeting with clients and prospective clients, writing appellate briefs, responding to major discovery disputes in two different cases, filing a motion for summary judgment on a counterclaim, and responding to a motion to dismiss that raises novel issues.

The parties submit that there is good cause to extend the deadlines as requested herein.

D. Proposed Schedule for Completing all Remaining Discovery

- a. Discovery Cut-off Date:** The discovery cut-off deadline shall be **Friday, August 12, 2022.**
- b. Dispositive Motions:** Dispositive motions shall be filed by **Monday, September 12, 2022**, thirty (30) days after the discovery cut-off date.
- c. Motions in Limine/Daubert Motions:** Pursuant to LR 16-3(a), and unless the District Judge issues an Order with a different deadline or briefing schedule, any motions in

limine, including Daubert type motions, shall be filed and served thirty (30) days prior to trial unless the District Judge issues an order with a different deadline or briefing schedule. Oppositions shall be filed and served and the motion submitted for decision fourteen (14) days thereafter. Reply briefs will only be allowed with leave of court.

- d. **Pretrial Order:** The Pretrial Order shall be filed no later than **Wednesday, October 12, 2022** thirty (30) days after the deadline for filing dispositive motions date of July 13, 2022. In the event dispositive motions have been filed, the Pretrial Order shall be suspended until thirty (30) days after a decision of the dispositive motions or further order of the Court.
- e. **FRCP 26(a)(3) Disclosures:** The disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections thereto, shall be included in the final pretrial order in accordance with LR 26- 1(b)(6).
- f. **Extensions of Modifications of the Discovery Plan and Scheduling Order:** In accordance with LR 26-4, any motion or stipulation to extend a deadline set forth in this discovery plan and scheduling order shall be received by the Court no later than twenty-one (21) days before the expiration of the subject deadline. A request made within 21 days of the subject deadline will be supported by a showing of good cause. Any stipulation or motion will comply fully with LR 26-3.

///

///

///

///

///

///

///

///

///

///

1 **IT IS SO STIPULATED.**

2 DATED this 31st day of May, 2022.

3 KEMP & KEMP, ATTORNEYS AT LAW

4
5 /s/ James P. Kemp

6 James P. Kemp, Esq.

7 Nevada Bar No. 006375

8 7435 W. Azure Drive, Ste. 110

9 Las Vegas, NV 89130

10 Attorney for Plaintiff

 DATED this 31st day of May, 2022.

 OGLETREE, DEAKINS, NASH, SMOAK & STEWART,
 P.C.

/s/ Noel M. Hernandez

 Anthony L. Martin

 Nevada Bar No. 8177

 Noel M. Hernandez

 Nevada Bar No. 13893

 10801 W. Charleston Blvd.

 Suite 500

 Las Vegas, NV 89135

 Attorneys for Defendant

11
12
13 IT IS SO ORDERED.

14 

15 Cam Ferenbach

16 United States Magistrate Judge

17 6-1-2022

18 DATED _____